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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,659	08/14/2001	Stephen D. Flanagan	50037.17US01	3263

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Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/930,659	Applicant(s) FLANAGIN ET AL.	
	Examiner Ashok B. Patel	Art Unit 2154	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation sheet:

Rejections Under 35 U.S.C. §102(e):

Applicant's argument:

"Hertzog fails to teach a synchronization message that includes a plurality of message portions for grouping synchronization activities in a single message."

"Moreover, the term subset used in Hertzog is referring to the subsets of personal information that is used to create a posting to the different clients. The subsets are subsets of information maintained on the server."

"Moreover, Hertzog does not teach a synchronization message for grouping synchronization activities in a single message that includes a portion for indicating that the synchronization action was not successful."

Examiner's response:

Examiner would like to point out that at page 3, para. [0048], Hertzog teaches "The application server 40 is furthermore responsible for sending personal information updates to the client services module 26 so as to synchronize the local database 30 with a specific subset of information maintained within the server database 34."

And further Hertzog at page 6, para. [0070] elucidates what it means by "subset" by stating, "The present invention proposes allowing an owning user to store a master set of fields of personal information concerning the owning user, and then to designate different combinations and permutations of the fields of personal information as sub-sets of personal information. The present invention proposes allowing the owning user to publish a selected one or more of these sub-sets of personal information to a receiving user. The receiving user may then view the published sub-set as personal information, concerning the owning user, within a personal information repository (e.g., a PIM) of the receiving user."

Additionally Hertzog effervescently substantiates the synchronization details by disclosing at page 5, para.[0068] that "It should be noted that a sequence identifier communicated from the client application 18 is for a sequence of operations with respect to the client application 18, whereas the sequence identifier communicated from the application server 40 to the client application 18 is with respect to a sequence of operations performed by the application server 40."

Thus, Hertzog teaches "synchronization message including a plurality of message portions for grouping synchronization activities in a single message.", and "a portion of a configuration message includes a "version portion that indicates which version of the data structure is being used to synchronize the object."

Hertzog at page , para.[0053], teaches "During a synchronization operation, the GUI 24 interacts with the client services module 26 and the synchronization engine 28 to provide a textual and graphic display of the progress of a synchronization operation."

Thus, Hertzog teaches "a response portion that indicates that the synchronization action was not successful."

Rejections Under 35 U.S.C. §103(a):

Applicant's argument:

"Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hertzog in view of Japanese Document No. JP2000020370A issued to Sharp KK (hereinafter "Sharp"). Applicant respectfully disagree with the rejection. There is no suggestion in either of the references that they may be combined in the manner propounded. Furthermore, even if for argument purposes such a suggestion could exist, claim 14 includes elements not taught by the references."

Examiner's response:

First of all claim 14 recites "The computer-readable medium of claim 1, wherein the data structure is embedded in an email.", and wherein claim 1 recites "a data structure stored thereon for use in synchronizing an object between a server and a client ..."

Therefore, as previously stated in the office action, "Keeping in mind the teachings of the reference Hertzog as stated above, the reference explicitly fails to teach the computer-readable medium of claim 1, wherein the data structure is embedded in an email. The reference JP2000020370A (hereinafter "Sharp") teaches "NOVELTY - Synchronization process units (12,21) synchronize database stored in remote terminal (20), with database stored in main terminal or network (10), via Internet (40) and public circuit (50). Data synchronization information required for data synchronization is suitably communicated between the main and remote terminals using E-mail." Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to add the teachings of the reference JP2000020370A ("Sharp") to Hertzog such that the data synchronization information required for data synchronization is suitably communicated between the main and remote terminals using E-mail. This would have been obvious because it enables simple and inexpensive process of exchange of information between main and remote terminals by utilizing Internet and its E-mail function, avoids need for installation of remote access network, by utilizing existing popular Internet and offers better security to information by utilizing security features of E-mail server as taught by JP2000020370A ("Sharp").